

**BRIGHAM CITY PLANNING COMMISSION MEETING
TUESDAY, SEPTEMBER 18, 2007 – 6:30 PM
BRIGHAM CITY COUNCIL CHAMBERS**

PRESENT:	Kevin Lane	Chairman
	Bill McGaha	Commissioner
	Joan Peterson	Commissioner
	Barbara Poelman	Commissioner
	Roger Handy	Alternate
CITY STAFF:	Mark Teuscher	City Planner
	Eliza McGaha	Administrative Secretary
EXCUSED:	Steve Hill	City Council Liaison
	Reese Nielsen	Vice-Chairman
	Lynda Berry	Alternate
	Kathy Philpot	Alternate

AGENDA

WORK SESSION – AGENDA REVIEW

REGULAR MEETING

PLEDGE OF ALLEGIANCE

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES

APPLICATION #2954 / CONTINUATION / PRELIMINARY PLAT / PLANNED UNIT DEVELOPMENT – CANYON VIEW TOWNHOMES / 1060 EAST 200 SOUTH / BR BUILDERS

APPLICATION #2954 / FINAL PLAT / PLANNED UNIT DEVELOPMENT – CANYON VIEW TOWNHOMES / 1060 EAST 200 SOUTH / BR BUILDERS

APPLICATION #2865 / FINAL PLAT / KOTTER CANYON P.U.D. SUBDIVISION / 1400 NORTH MAIN STREET / ROYCE J. RICHARDS

APPLICATION #2944 / FINAL PLAT / KOTTER CANYON P.U.D. SUBDIVISION, PHASE 2 / 1350 NORTH 225 EAST / DEAN C. & ALENE K. HOWARTH

PUBLIC INPUT:

DISCUSSION:

REGULAR MEETING

Chairman Lane opened the regular meeting at 6:32 p.m. Roger Handy led the Pledge of Allegiance.

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES

MOTION: A motion was made by Roger Handy to approve the work session minutes of September 04, 2007. The motion was seconded by Commissioner Poelman and passed unanimously.

MOTION: A motion was made by Roger Handy to approve the regular meeting minutes of September 04, 2007. The motion was seconded by Commissioner Peterson and passed unanimously.

APPLICATION #2954 / CONTINUATION / PRELIMINARY PLAT / PLANNED UNIT DEVELOPMENT – CANYON VIEW TOWNHOMES / 1060 EAST 200 SOUTH / BR BUILDERS

Mike Jensen, Hansen & Associates; Brent Rhees, President BR Builders, and Christie Beecher, property agent, came forward. Commissioner Peterson asked if they had seen the Staff comments. Ms. Beecher indicated that they had. Mr. Jensen responded to a comment from the Staff comments regarding the retaining structures. He said most of the retaining walls are fairly short, 4-feet or less, to where they would not require a long tieback and commented that if they needed to be engineered they could certainly get that done. He commented that he did not imagine a masonry block SME-type retaining wall would be required, just a rock-type retaining wall which would not require the use of a tieback. Chairman Lane brought up the concern about fencing and what it would be constructed of and if it would withstand the canyon wind. Mr. Rhees replied they would like to install 6-foot vinyl privacy fencing all the way around the project. He said they checked with their fence company and was assured the 6-foot privacy fence is a 100-mile-per-hour rated fence that will have cemented posts and be less costly to repair. Mr. Rhees stated that he would like to work with the homeowners on the fencing and does not anticipate a problem.

The applicants stated that the engineering response to the Staff comments was submitted to Staff on Friday, September 14, 2007. Mr. Teuscher went to make copies to hand out to the Commissioners. Mr. Jensen explained that the comments that have been crossed through have been addressed and checked off by the City. In regards to the garbage pick up, each unit will have its own garbage can that will be picked up by the City and will also allow the development to have additional parking space in the area originally selected for a dumpster. Dusk-to-dawn outside lighting, as requested by the Police Department, has not yet been addressed.

MOTION: A motion was made by Roger Handy to forward to City Council with recommendation to approve application #2954 preliminary plat with the stipulation that the developer must comply with the Staff evaluation and that the development must comply with Chapter 29.07 Planned Unit Development; with the finding of fact that the applicant will comply with the Staff evaluation and that such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and that such use is in compliance with the Brigham City General Plan. The motion was seconded by Commissioner McGaha.

DISCUSSION: Commissioner Poelman asked how a recommendation to UDOT for a reduction of the speed limit would get passed on to City Council. Mr. Teuscher replied that a formal request for a speed study, from Staff, would have to be submitted directly to UDOT.

The motion passed unanimously.

APPLICATION #2954 / FINAL PLAT / PLANNED UNIT DEVELOPMENT – CANYON VIEW TOWNHOMES / 1060 EAST 200 SOUTH / BR BUILDERS

MOTION: A motion was made by Roger Handy to forward to the City Council with recommendation to approve application #2954 final plat with the stipulation that it will comply with the Staff evaluation and the development will comply with Chapter 29.07 Planned Unit Development and with the finding of facts the same as were in the approval of the preliminary plat. The motion was seconded by Commissioner McGaha and the motion passed unanimously.

APPLICATION #2865 / FINAL PLAT / KOTTER CANYON P.U.D. SUBDIVISION / 1400 NORTH MAIN STREET / ROYCE J. RICHARDS

Kevin Parkinson, Royce Richards and Mike Jensen came forward. Commissioner Peterson asked the applicants if they had seen the letter submitted by Mike Ravenberg concerning the drainage coming off of Highland onto his property. They replied that they had not and were given some time to look it over so they could comment on it. There is a 6-foot drop off from Highland onto the Ravenberg property that goes down to their spring area and Mr. Ravenberg is concerned that the runoff will contaminate that. Mr. Jensen commented that incorporated with the trail system there will be a drainage swell that will traverse all the way along the existing fence line to collect the water and take it to where the inlet structure is for the water feature. Mr. Jensen said he would find out from Staff if they want inlet boxes or what they want to use on the end of Highland. The terrain is fairly steep in that location and they would need to do some cuts and fills to retain and hold the street. Mr. Parkinson said their intention is not to impact Mr. Ravenberg's property with any kind of water and they will do whatever it takes to get the water away from it. Commissioner Poelman commented that it looked as if the sewer was not being stubbed to the property line which she thought would be an issue. Mr. Jensen replied that the grade is such that the sewer would not work flowing uphill and so would have to be tied in to a lower street. There are two roads stubbed into the Ravenberg property and the one farthest to the west could easily sewer an entire development when and

if it is developed. It could be brought in from the lower road and brought back up to Highland and everything could gravity feed that direction. The applicants suggested that they could put some kind of curbing along the property line that could funnel the water back to the inlet boxes so nothing will get past the inlet boxes on the Ravenberg property. Mr. Parkinson said they could hump the asphalt at the end of the street which would force the water down. The amount of water would be negligible. The grade change would put the sewer out of the ground so Mr. Ravenberg would need to start it at the property line and take it down from there. Code requires the sewer to come all the way to the property line. Mr. Teuscher stated that Raymond Poulson, Brigham City Wastewater Superintendent, said that would be acceptable but City Council would need to waive that requirement on the public improvement to run sewer all the way to the property line. Mr. Jensen said he has shown a profile of possible alignment all the way across Mr. Ravenberg's property for a longer distance than the 300-feet that is typically required and it is grading away from Kotter Canyon the entire length of that alignment which is following the existing gravel road.

Most of the issues have been addressed by the applicant, the only big issue is taking the access out of phase 1 and putting it all into phase 2 so the driveway and turnaround is all in that legal description. Mr. Jensen said the property owners are joint owners of that lane and that needs to be on that final plat, which is a change that he has already made.

Mr. Parkinson stated that the work with the Army Corps of Engineers is progressing and close to a solution which will probably be the road going across the drainage with the detention structure at the side of the road and the road embankment as the detention. The Corps does not want ponds or standing water. The stream feature will meander through there and natural meadow grass will be planted. To keep the vegetation looking nice, it will have to be watered. There should be something from the Corps before this application goes to City Council.

Bliss Law, adjacent property owner, came forward. Mr. Law stated that he had talked with Mr. Ravenberg and the majority of the property owners and said they have not been too pleased, not necessarily with the developers but with the response from the City and what the City has and has not imposed upon the developer to protect the rights of the citizens of Brigham City with respect to the development. He asked if the private lane access had been approved by the Utah Department of Transportation (UDOT). Mr. Jensen replied that UDOT had been contacted and they said the approval review is in the process and a letter of decision is expected by Monday, September 24, 2007. Mr. Law asked why the private lane is not included in the subdivision plat that he has and why the improvements on that portion, which was shown on earlier preliminary plats, are not shown on the final plat. Mr. Teuscher replied that they were not intended to be part of the subdivision because the Ordinance would make it too difficult. The owners will deed that property to the City as based on the Development Agreement as part of the subdivision. Mr. Law said he thought that about half the small lots did not meet the R-1-10 zoning requirements. Mr. Teuscher explained that those lots are in a Planned Unit Development (P.U.D.). They meet the density based on the open space which also includes the wetlands area. Mr. Law asked what was being done to protect the citizens against the mosquito problem in the weedy swamp area. Mr. Teuscher replied that the Army Corps of Engineers has jurisdiction as to what happens in that wetlands area. The wetlands area can be maintained but there can be no fill put in that area. The weeds will be cut down.

Mr. Law also mentioned that he did not see anything in the plans that protect his water rights with respect to water that comes from his property line and sources either from the cisterns up on the hill and/or springs on the property to which he has water rights; those rights were given to him by the State. He stated the developer said they would provide drainage to continue to supply him with that water. He would like to make sure those water rights are maintained and also ensure that he will be able to keep and access those rights. Those water rights are coming from a spring, which is currently on the developer's property, and a cistern on the hill to the north of the developer's property which currently provides culinary water to the existing Kotter and Howarth homes. Mr. Law stated that he has access to that water year-round and uses it for landscaping. Mr. Parkinson commented that they did agree they would not interrupt Mr. Law's water supply but they cannot guarantee that it will never dry up. They do not know where that water is coming from and will not be able to ascertain where it is coming from until they start digging up there. Mr. Law stated that the cisterns are north of his property and he has a cistern that provides him culinary and some water rights. He also stated that there are also two other sources of water rights; springs on his property and a spring and water that was previously used from a cistern that is controlled by Kotters, on the hill, that they use for culinary water and have had watering troughs that have provided water for up to 200-head of cattle. There is also a spring on their property and as a result of them irrigating and providing water from their cistern, provided additional water in that area which Mr. Law benefits from in regards to water rights. Mr. Law stated that the water he is concerned about is the water that may come from their cistern, as a result of them watering their cattle and that area, and a spring that is on the developer's property. He reiterated the fact that he wants to ensure his water rights are protected. Mr. Law said the water is piped into an area that is approximately where his source is located. He pointed to those locations on the plat. His spring provides water to a house and some of his property. Kotter's water comes, with a right-of-way, through his property and provides water to the Kotter and Howarth homes and also the water troughs that they watered their cattle with. Mr. Law also said there is a piped spring, from which he gets water from year-round, that he uses for irrigation. Mr. Teuscher asked Mr. Law to provide him a copy of his water rights so they can be identified with the State Engineer. Mr. Parkinson told Mr. Law that it was not their intention to cut off his water supply; they just don't know where it is located. Mr. Jensen stated that, the way the roads are designed, it would be easy to install a French drain in the road to catch that water as it is coming down and discharge it in the same spot. Mr. Law's final comment was to state that he has attended numerous meetings here, made a number of comments, including

written documents, and none of the comments of the adjacent landowners have been seriously considered or imposed on the developers by the City and the City gives much more consideration to outside developers than the citizens.

MOTION: A motion was made by Roger Handy to forward to City Council with recommendation to approve application #2865 final plat with the stipulation that the developer must comply with the Staff evaluation; that the subdivision must comply with the Subdivision Ordinance, P.U.D. Ordinance and the Zoning Ordinance and that the concerns of Mr. Mike Ravenberg and the letter the Planning Commission received on September 18, 2007 will be addressed, to his satisfaction, before the final plat is forwarded to the City Council for approval. The motion was seconded by Commissioner McGaha.

DISCUSSION: Commissioner Peterson asked to have added to the motion that the water rights of the adjacent property owners will be identified and protected. Roger Handy so moved the addition with a second by Commissioner McGaha.

Roger Handy noted Mr. Law's presence at the meetings regarding this application and commented that the Planning Commission relies on the City Staff and City Engineer to determine what is legal and appropriate for the City to require of the developer and as far as he knows, of this situation, that has been done. He also commented that Mr. Law could bring his issues with this application to the City Council.

The motion passed unanimously.

APPLICATION #2944 / FINAL PLAT / KOTTER CANYON P.U.D. SUBDIVISION, PHASE 2 / 1350 NORTH 225 EAST / DEAN C. & ALENE K. HOWARTH

Discussion on this application was included with the previous application.

MOTION: A motion was made by Commissioner Peterson to forward to City Council with recommendation to approve application #2944 provided that all Staff comments are complied with; that it complies with the Subdivision Ordinance, P.U.D. Ordinance and the Zoning Ordinance and that such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and that such use is in compliance with the Brigham City General Plan. The motion was seconded by Roger Handy and passed unanimously.

PUBLIC INPUT:
There was no public input.

DISCUSSION:
There was no discussion.

MOTION: A motion was made by Commissioner Poelman to adjourn. The motion was seconded by Commissioner Peterson and passed unanimously.

The meeting adjourned at 7:27 p.m.

This certifies that the work session minutes of September 18, 2007 are a true and accurate copy as approved by the Planning Commission on November 06, 2007.

Signed: _____
Jeffery R. Leishman, Secretary